

EXHIBIT 5

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Civil Action No. 1:17-cv-02989-AT

DONNA CURLING, et al.,

Plaintiffs,

vs.

BRAD RAFFENSPERGER, et al.,

Defendants.

VIDEOTAPED DEPOSITION OF EMILY MISTY HAMPTON

DATE: November 11, 2022

TIME: 10:49 a.m. to 6:07 p.m.

LOCATION: Courtyard by Marriott Warner Robins
589 Carl Vinson Parkway
Warner Robins, Georgia 31088

REPORTED BY: Felicia A. Newland, CSR

Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
Washington, D.C. 20005

1 the computer or are those accessed through the
2 internet? Do you know?

3 A An app on the -- I mean the Windows
4 home.

5 Q Right.

6 MR. MILLER: She can answer, but I'm
7 going to object to form.

8 THE WITNESS: It's just the Windows
9 home, like the little icon down there.

10 BY MR. BROWN:

11 Q Okay. Who is Preston Haliburton?

12 A I have no idea.

13 Q Do you see where he -- his name and
14 e-mail address is texted to you by Eric Chaney?

15 A I do.

16 Q And do you know why -- well, what is
17 your understanding of the reason you would be given
18 Preston Haliburton's e-mail address.

19 MR. MILLER: Object to form.

20 THE WITNESS: I do not remember.

21 BY MR. BROWN:

22 Q Tell me about your communications

1 with Mr. Haliburton.

2 A I do not know a Mr. Haliburton.

3 Q Do you recall ever communicating with
4 him?

5 A No, sir.

6 Q Do you know who he is?

7 A No, sir.

8 Q In the -- if you'd go to the next
9 page, it's page 22 of Exhibit 3. Do you see that?

10 A I do.

11 Q Let me direct your attention to the
12 January 6th entry where you say to Mr. Chaney,
13 "Scott Hall is on the phone with Cathy about
14 wanting to come scan our ballots from the general
15 election like we talked about the other day. I am
16 going to call you in a few."

17 Do you see that?

18 A I do.

19 Q And how did -- how did you know that
20 Scott Hall was on the phone with Cathy?

21 MR. MILLER: Object to form.

22 THE WITNESS: I don't recall.

1 BY MR. BROWN:

2 Q Was Cathy Latham just standing in
3 front of you talking to Mr. Hall probably?

4 A I don't --

5 MR. MILLER: Object to form.

6 BY MR. BROWN:

7 Q You don't remember?

8 A Correct.

9 Q And you knew Scott Hall by this time,
10 right?

11 MR. MILLER: Object to form.

12 THE WITNESS: No, sir.

13 BY MR. BROWN:

14 Q So you said Scott Hall, but you
15 didn't know who he was. I guess did Mr. Chaney
16 know who he was?

17 MR. MILLER: Object to form.

18 THE WITNESS: I do not know.

19 BY MR. BROWN:

20 Q In this text you say, "Like we talked
21 about the other day." So you spoke with Mr. Chaney
22 about scanning ballots. Is that right?

1 MR. MILLER: Let me advise my client,
2 please.

3 (Counsel speaking to client off the
4 record.)

5 THE WITNESS: I'll take the Fifth
6 Amendment.

7 BY MR. BROWN:

8 Q And scanning ballots was code for
9 making a forensic copy of the entire Coffee County
10 Election System, right?

11 A I'll take the Fifth.

12 Q Scott Hall wasn't about to come just
13 to scan ballots, was he?

14 MR. MILLER: Object to form.

15 THE WITNESS: I do not know.

16 BY MR. BROWN:

17 Q You don't remember when you first
18 learned the name Scott Hall?

19 A No, sir.

20 Q You didn't know who he was on
21 January 6th?

22 A I do not recall.

1 Q The Cathy you refer to here is Cathy
2 Latham?

3 A Yes.

4 Q Who is she?

5 A Head of the Republican Party.

6 Q Right.

7 So what is the head of the Republican
8 Party doing -- arranging for someone to come scan
9 the ballots?

10 MR. MILLER: Object to form.

11 THE WITNESS: I do not know.

12 BY MR. BROWN:

13 Q She wasn't associated formally with
14 the election's office, right?

15 A She was the Republican who, along
16 with a Democrat and a board member, that we used
17 for vote review panel.

18 Q Oh, I see. So the Democrat and Cathy
19 Latham were going to work with Scott Hall to -- to
20 scan ballots?

21 MR. MILLER: Object to form.

22 THE WITNESS: That's not what I said.

1 BY MR. BROWN:

2 Q Right, but was she -- was she
3 involved with Scott Hall in her capacity as a
4 member of the vote review panel or just a stranger
5 from the Republican Party?

6 MR. MILLER: Object to form.

7 THE WITNESS: Not as the vote -- vote
8 review panel, no.

9 BY MR. BROWN:

10 Q Okay. And then tell me about the
11 conversation you had with Eric Chaney about,
12 "Someone coming to scan our ballots for the general
13 election."

14 A I do not recall.

15 Q You don't remember talking with Eric
16 Chaney about someone coming to scan ballots for the
17 general election?

18 A I'll take the Fifth Amendment.

19 Q And as of January -- well, just
20 fast-forward a little bit. January 7th is when the
21 team from SullivanStrickler came to Coffee County,
22 right?

1 Q Okay. And what do you recall about
2 what either of them -- well, let's -- let's talk
3 about Mr. Lenberg first.

4 What do you recall Mr. Lenberg doing
5 when he was there?

6 A Discussing the election equipment.

7 Q With you?

8 A Yes, sir.

9 Q And so he was trying to figure out
10 how it worked. Is that right?

11 A Correct.

12 Q And you told him, right?

13 A Yes, sir.

14 Q You answered his questions, right?

15 A That's correct.

16 Q And did he -- did you give him sort
17 of hands-on access to the equipment or did he ask
18 you to do things to the equipment and then answer
19 questions? If that makes any sense.

20 A That don't make any sense.

21 Q Okay. Did you allow him access to
22 the equipment, hands-on?

1 A Did he touch the machines, is that
2 what you're asking?

3 Q Well, okay, did he touch the
4 machines?

5 A No.

6 Q Okay. Did he ask not to touch the
7 machines?

8 A Not that I recall.

9 Q Okay. So how did -- how did -- did
10 he examine the machines -- the machines through
11 you? Did you do it for him?

12 A I was the one that was physically
13 touching the machines, yes.

14 Q Right. Okay.

15 And give me an example of what you
16 can recall about Mr. Lenberg asking you to do on
17 the machines.

18 MR. MILLER: Object to form.

19 THE WITNESS: I don't recall, sir.

20 BY MR. BROWN:

21 Q But basically he was trying to figure
22 out how they worked, right? Fair to say?

1 A I would say so.

2 Q And did he ask you to make any copies
3 of any of the equipment or the software or the
4 thumb drives or anything else in there?

5 A I'm going to plead the Fifth on that.

6 Q Okay. And I believe the video shows
7 that Mr. Lenberg came over a period of days. Is
8 that consistent with your recollection?

9 A Yes, sir.

10 Q Okay. And so he would come and ask
11 you questions and have you do certain things on the
12 machines, leave and then come back the next day and
13 do -- do that some more, right?

14 A Correct.

15 Q Okay. And was the purpose of this
16 again to fix your ICC scanner or was there another
17 purpose for Mr. Lenberg's visit?

18 MR. MILLER: Object to form.

19 THE WITNESS: I can't answer that.

20 BY MR. BROWN:

21 Q Do you know why he was there, why he
22 was allowed to be there?

1 MR. MILLER: Object to form.

2 THE WITNESS: No, sir, I do not.

3 BY MR. BROWN:

4 Q Okay. So Mr. Chaney gave you the
5 instruction, you followed it, but you did not know
6 what the purpose of it was, correct?

7 A I didn't do anything without the
8 direction of Eric Chaney.

9 Q Right.

10 At Mr. Chaney's direction, you
11 allowed Mr. Lenberg to have access to the equipment
12 and you answered his questions. And you do not
13 know specifically why that was being done, correct?

14 MR. MILLER: Object to form.

15 THE WITNESS: Correct.

16 BY MR. BROWN:

17 Q Okay. Is it fair to say that it had
18 to be for some reason other than fixing the ICC
19 scanner?

20 MR. MILLER: Object to form.

21 THE WITNESS: I don't know how to
22 answer that question.

1 BY MR. BROWN:

2 Q Did Mr. Lenberg ask you to change the
3 clock on the system?

4 A I don't recall.

5 Q So he might have or might not have,
6 you just don't another one way or the other?

7 A I do not recall.

8 Q Well, I don't recall being an NBA
9 player, but I can also say to a metaphysical
10 certitude that I was not.

11 What I'm trying to get is, is this a
12 situation where maybe he did ask you to change the
13 clock? Maybe he didn't? I don't remember one way
14 or the other?

15 A I do not --

16 Q Something that you can remember
17 like -- like talking to President Trump.

18 Do you recall when you said you do
19 not recall talking to President Trump, so the
20 correct answer was you know you didn't? That's
21 what I'm trying to get to here. Okay?

22 Did Mr. Lenberg ask you to change the

1 clock?

2 A I do not recall.

3 Q So he might have, correct?

4 A I do not recall.

5 Q So if he said he did, you would not
6 deny it, right?

7 A I do not recall.

8 Q I want an answer to my last question.

9 MR. MILLER: Object to form.

10 Go ahead and answer.

11 THE WITNESS: I don't remember if he
12 told me to or not.

13 BY MR. BROWN:

14 Q So he could have or he could not
15 have, you just don't know one way or the other,
16 right?

17 A He could be a millionaire, I don't
18 know.

19 Q No, it's different, Ms. Hampton.
20 There are things that you would -- you would
21 remember. Isn't changing the clock on the computer
22 something you would remember if he asked you to do?

1 A Mr. Brown, I do not remember.

2 Q Okay. So he might have, right?

3 A I do not remember if he did or did
4 not.

5 Q Okay.

6 A I'm not going to answer a question
7 that I do not remember the answer to.

8 Q I'm not asking you if you remember,
9 I'm -- I mean, there are -- he didn't -- you recall
10 that he didn't drive his car through the office,
11 correct?

12 That did not happen, right?

13 A No, he did not drive his car through
14 the window -- through the office.

15 Q Right.

16 You don't remember that happening,
17 right?

18 A No, he did not drive his car through
19 the office.

20 Q Okay. But you cannot say for sure
21 that he did not ask you to change the clock, right?

22 A Correct, I cannot say for sure.

1 Q Okay. Now, other than Mr. Chaney,
2 who did you discuss Mr. Logan and Mr. Lenberg's
3 visit to the Coffee County Election's Office with?

4 A I don't recall.

5 Q Okay. Do you recall referring to the
6 activities of Mr. Lenberg and Mr. Logan as, quote,
7 measuring your desk?

8 Do you recall that?

9 A I do.

10 Q And why did you use that code to
11 describe the work that they were doing?

12 MR. MILLER: Object to form.

13 THE WITNESS: I plead the Fifth on
14 that.

15 BY MR. BROWN:

16 Q Did you think that there was
17 something wrong with what they were doing?

18 MR. MILLER: Object to form.

19 THE WITNESS: I plead the Fifth on
20 that.

21 BY MR. BROWN:

22 Q Did Mr. Voyles know that -- or did

1 you tell Mr. Voyles that Mr. Logan and Mr. Lenberg
2 were there, that they had been there or that they
3 were going to be there?

4 A I don't recall.

5 Q Did they get what they came for?

6 MR. MILLER: Objection.

7 THE WITNESS: I don't know. It
8 wasn't long after that that I was forced to resign,
9 so I have no idea.

10 BY MR. BROWN:

11 Q Well, was there any -- was there any
12 connection between you letting them in and you
13 getting terminated?

14 MR. MILLER: Object to form.

15 BY MR. BROWN:

16 Q There was, wasn't there?

17 A I'm sorry, you cut out on that.

18 Q Was there any connection between you
19 allowing either SullivanStrickler to have access
20 and Mr. Logan and Mr. Lenberg to have access and
21 the fact that you were terminated? Do you know?

22 MS. LAROSS: Objection as to form.

1 THE WITNESS: I do not know.

2 BY MR. BROWN:

3 Q Let me direct your attention to what
4 is going to be marked as Exhibit 5, which is Tab
5 25.

6 (Hampton Deposition Exhibit Number 5
7 marked for identification.)

8 BY MR. BROWN:

9 Q And before I do that, let me ask some
10 of the same questions about -- about -- about
11 Mr. Logan. This is going to be repetitive, but the
12 questions I had asked you before was about
13 Mr. Lenberg.

14 You recall Mr. Logan being in your
15 offices. Is that right?

16 A Yes.

17 Q And you do not know the purpose of
18 his visit, correct?

19 A Correct.

20 Q And you don't recall whether he asked
21 you one way or the other to change the clock,
22 correct?

1 the Secretary's office to make sure that their
2 visit was okay. Is that correct?

3 MR. MILLER: Object as to form.

4 THE WITNESS: I was doing direction
5 as my board member told me to do.

6 BY MS. LAROSS:

7 Q And that, I think you mentioned in
8 your prior testimony, was Eric Chaney?

9 A Correct.

10 Q And Mr. Chaney was the one then that
11 told you that the third party was going to be
12 coming -- folks from the third party were going to
13 be coming to access the computer on January 7th,
14 correct?

15 A Correct.

16 Q And was it your understanding that he
17 had contacted any -- do you have any understanding
18 whether or not he had contacted anyone from the
19 Secretary of State's office?

20 A I do not know if he did or not.

21 Q And you had mentioned that you didn't
22 contact anyone from the Secretary of State's office

1 after their visit. And I'm just going to name some
2 folks and see if that jogs your memory at all.

3 Did you contact Michael Barnes
4 that -- after the January 7th, 2021 event where the
5 third parties accessed the server and the election
6 equipment in Coffee County?

7 A I did not.

8 Q How about, did you tell any county
9 liaisons or any investigators from the Secretary of
10 State's office that folks had accessed the Coffee
11 County server on January 7th?

12 A I did not.

13 Q And why did you not let the
14 Secretary's office know that there had been access
15 to the election equipment in Coffee County in -- on
16 January 7th, 2021?

17 MR. MILLER: I'm going to advise you
18 accordingly, take the Fifth.

19 THE WITNESS: I take the Fifth
20 Amendment.

21 BY MS. LAROSS:

22 Q And the same question for why you did

1 not inform the Secretary's office before the folks
2 came on January 7th, 2021, to access the Coffee
3 County server and election equipment?

4 A I do not answer to the Secretary of
5 State's office, I answer to the Board. The Board
6 answers to the Secretary of State's office.

7 Q So you didn't think it important to
8 let the Secretary's office know that something like
9 that was going to happen?

10 A Again, I reported to the Board.

11 Q And I understand that Mr. Lenberg and
12 Mr. Logan were in the Coffee County Election
13 Office, I believe, in January 18th and 19th. And
14 you've already testified about that so I'm going to
15 ask you similar questions about that visit.

16 Did you inform anyone at the
17 Secretary of State's office before Mr. Lenberg and
18 Mr. Logan came to the Coffee County Office, as you
19 described earlier in your testimony, in late
20 January of 2021?

21 A I did not.

22 Q And why did you not let the

1 Secretary's office know?

2 MR. MILLER: I advise you to take the

3 Fifth.

4 THE WITNESS: I take the Fifth.

5 BY MS. LAROSS:

6 Q And then after their visit, did you
7 inform anyone from the Secretary's office that they
8 had visited the Coffee County Election Office on
9 January 18th and 19th?

10 A I did not.

11 Q And I believe you described
12 previously in your testimony that Mr. Lenberg and
13 Mr. Logan didn't actually touch the election
14 equipment.

15 Do I recall that correctly?

16 A To the best of my knowledge.

17 Q And so you didn't see them while you
18 were with them? You didn't see them touch the
19 equipment?

20 A I'm sorry, I didn't hear you.

21 Q So you didn't -- you didn't actually
22 see them touch the equipment while you were there

1 with them on January 18th and the 19th in 2021, in
2 the Coffee County Election Office?

3 A Not to my knowledge.

4 Q And I think you described that they
5 were there asking you questions and you physically
6 were going onto the system. Do I have that
7 correct?

8 A Yes.

9 Q And what did they ask you to do?
10 Do you remember anything that they
11 asked you to do or what they wanted you to -- asked
12 you to look at? What questions they had?

13 A I don't recall.

14 Q Did you print out anything that they
15 took from the office on the occasion when
16 Mr. Lenberg and Mr. Logan were in the office -- the
17 Coffee County Office in January 18th and 19th in
18 2021?

19 A I don't remember.

20 Q And I'm not sure I asked you, after
21 Mr. Lenberg and Mr. Logan were in the Coffee County
22 Office, did you inform anyone at the Secretary of

1 State's office or connected with the Secretary of
2 State's office that they had visited the office?

3 A I did not.

4 Q And why not?

5 MR. MILLER: I would advise you to
6 take the Fifth.

7 THE WITNESS: I take the Fifth.

8 BY MS. LAROSS:

9 Q You testified earlier you said that
10 you gave a deposition and that you also met with
11 Ms. Marks previously. Do I have that correct?

12 A That's.

13 Q Okay. On how many occasions did you
14 meet with Ms. Marks?

15 A I think it's been one, I think.

16 Q Okay. And at that meeting who else
17 was in attendance at the meeting with Ms. Marks?

18 A Not counting my attorney?

19 Q Oh, sure. So your attorney was
20 there. So Jonathan was there with you certainly.
21 Okay.

22 And was -- Ms. Marks, was her

1 CERTIFICATE OF NOTARY PUBLIC

2 I, FELICIA A. NEWLAND, CSR, the officer before whom
3 the foregoing video-recorded deposition was taken,
4 do hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly sworn
6 by me; that the testimony of said witness was taken
7 by me in stenotype and thereafter reduced to
8 typewriting under my direction; that said deposition
9 is a true record of the testimony given by said
10 witness; that I am neither counsel for, related to,
11 nor employed by any of the parties to the action in
12 which this deposition was taken; and, further, that
13 I am not a relative or employee of any counsel or
14 attorney employed by the parties hereto, nor
15 financially or otherwise interested in the outcome
16 of this action.

17

18

19

20

FELICIA A. NEWLAND, CSR
Notary Public

21

22 My commission expires:
September 15, 2024